



General Assembly

January Session, 2009

Amendment

LCO No. 6009

SB0091006009SR0

Offered by:

SEN. MCKINNEY, 28th Dist.

SEN. FASANO, 34th Dist.

SEN. RORABACK, 30th Dist.

To: Subst. Senate Bill No. 910

File No. 191

Cal. No. 190

"AN ACT CONCERNING PERMANENT ABSENTEE BALLOT STATUS."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective from passage*) (a) In addition to its inherent
4 power as a branch of the legislature, the Connecticut state Senate has
5 the constitutional authority under the Connecticut State Constitution,
6 Article III, Section 13, to punish members for disorderly conduct, and,
7 with the consent of two-thirds of its members, expel a member. While
8 the constitution does not specify the grounds for expulsion or other
9 disciplinary action, such grounds may include conduct that impugns
10 the integrity of the house, reflects adversely on the Senate or otherwise
11 undermines public confidence in the institution of the Senate.
12 Although the constitutional power to discipline members may be
13 exercised summarily, it is the sentiment of the Senate that disciplinary
14 action should ordinarily be imposed only after a full investigation and

15 opportunity for a hearing. For the public to have confidence in the
16 Senate, it must have confidence in its members as well as its
17 procedures and institutional mechanisms. The public interest, the
18 interests of accused members and the interests of the Senate as an
19 institution require that the extraordinary power to expel or publicly
20 discipline a member be exercised in a fair and consistent manner.

21 (b) There is established a Bipartisan Senate Committee on Standards
22 of Official Conduct that shall consist of six members, appointed as
23 follows: Three majority caucus senators by the president pro tempore
24 of the Senate, and three minority caucus senators by the president pro
25 tempore upon the recommendation of the Senate minority leader. The
26 president pro tempore shall appoint two cochairpersons of the
27 committee, one of whom shall be appointed upon the recommendation
28 of the Senate minority leader. Such appointments shall be made not
29 later than ten days after the effective date of this section.

30 (c) Said committee shall have cognizance of any official Senate
31 action in response to any misconduct by any member of the Senate.
32 "Misconduct" shall include any violation of state or federal election
33 laws, any violation of the state code of ethics, any legal or ethical
34 wrong or conduct that materially impairs the ability of the member to
35 perform the duties of his or her office, or any conduct that impugns the
36 integrity of the Senate or undermines public trust and confidence in
37 the Senate. Nothing in this rule shall be construed to affect the powers
38 and duties of the Office of State Ethics or the Citizen's Ethics Advisory
39 Board.

40 (d) A quorum, consisting of not less than two members of each
41 caucus, shall be required to conduct any official business of the
42 committee. All committee decisions shall require four affirmative
43 votes.

44 (e) Upon the complaint of any person, signed under penalty of false
45 statement, or upon its own complaint, the committee shall conduct a
46 preliminary investigation into claims of any misconduct by any

47 member of the Senate. Any committee member who is the subject of
48 such a complaint shall recuse himself or herself from any committee
49 action pertaining to such complaint. Such member shall be replaced,
50 for purposes of committee action on such complaint, in the same
51 manner in which such member was appointed.

52 (f) Any such preliminary investigation shall be confidential and not
53 subject to disclosure. Upon the conclusion of any preliminary
54 investigation, the committee shall vote to either (1) dismiss the
55 complaint, or (2) make a finding of probable cause that misconduct has
56 occurred. Upon a finding of probable cause by the committee, all
57 information relating to the preliminary investigation shall, to the
58 extent allowed by state and federal law, be made available to the
59 public.

60 (g) The committee shall undertake a full investigation only after a
61 finding of probable cause. All information relating to a full
62 investigation shall, to the extent allowed by state and federal law, be
63 made available to the public. All proceedings relating to a full
64 investigation shall be open to the public. Upon the completion of a full
65 investigation, the committee shall report its findings and
66 recommendation in the form of a resolution to be voted upon by the
67 Senate. Such recommendation shall include one of the following: (1)
68 Expulsion, (2) censure, (3) reprimand, or (4) no action. The full Senate
69 shall vote on any such resolution not later than ten days after the
70 committee reports out any such resolution.

71 (h) The subject of any such complaint or investigation may be
72 represented by counsel.

73 (i) Not later than ninety days after the effective date of this section,
74 the committee shall adopt rules and procedures to govern its
75 proceedings. Such proposed rules shall include, but not be limited to:
76 (1) Standards, rules and methodology for conducting preliminary and
77 full investigations, respectively, and (2) criteria for the making of a
78 recommendation of expulsion, censure, reprimand and no action,

79 respectively."